

NOTE: The governor signed this measure on 3/29/2013.

An Act

HOUSE BILL 13-1083

BY REPRESENTATIVE(S) Ginal, Buckner, Duran, Exum, Fields, Fischer, Hamner, Hullinghorst, Labuda, Mitsch Bush, Pabon, Saine, Salazar, Williams, Young, Pettersen, Rosenthal, Schafer;
also SENATOR(S) Tochtrop, Guzman, Heath, Jones, Kerr, Newell, Nicholson, Steadman, Todd.

CONCERNING THE MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 43-5-501, **amend** (1); **add** (1.5), (3.5), (3.6), and (6); and **repeal** (5) as follows:

43-5-501. Definitions. As used in this part 5, unless the context otherwise requires:

(1) ~~"Director" means the director of the office~~ "BOARD" MEANS THE MOTORCYCLE OPERATOR SAFETY ADVISORY BOARD CREATED IN SECTION 43-5-505.

(1.5) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

(3.5) "MOST" OR "PROGRAM" MEANS THE MOTORCYCLE OPERATOR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SAFETY TRAINING PROGRAM CREATED BY THIS PART 5.

(3.6) "MOST VENDOR" MEANS A PERSON THAT OFFERS A MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM THAT MEETS STANDARDS PROMULGATED BY THE DEPARTMENT OF TRANSPORTATION.

(5) ~~"Program" means the motorcycle operator safety training program established pursuant to section 43-5-502.~~

(6) "PROGRAM COORDINATOR" MEANS A PERSON DESIGNATED BY THE DIRECTOR TO ENSURE COMPLIANCE WITH PROGRAM RULES, PROGRAM OPERATION, AND MOTORCYCLE SAFETY COORDINATION.

SECTION 2. In Colorado Revised Statutes, **amend** 43-5-502 as follows:

43-5-502. Motorcycle operator safety training program - rules.

(1) (a) (I) The office shall establish a motorcycle operator safety training program ~~which shall include~~ THAT PROMOTES MOTORCYCLE SAFETY AWARENESS AND SUPPORTS courses to ~~develop the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle.~~ SUCH TEACH STUDENTS TO SAFELY OPERATE A MOTORCYCLE AND TRAIN INSTRUCTORS. TO BE ELIGIBLE UNDER THE program, ~~shall~~ A COURSE MUST include instruction ~~relating to~~ ON the effects of alcohol and drugs on the operation of motorcycles. ~~and it shall include a course to train instructors.~~ The office shall set standards for the certification of courses in the program, ENSURE THAT PROGRAM TRAINING FOLLOWS THESE STANDARDS, AND ENSURE THAT COURSES ARE OFFERED SAFELY, CONSISTENT WITH BEST PRACTICES. The office shall contract with MOST vendors for the purpose of providing the program.

(I.5) TO QUALIFY UNDER THE PROGRAM, A BASIC TRAINING COURSE PROVIDED BY A MOST VENDOR MUST TEACH THE REQUIREMENTS FOR ISSUING A DRIVER'S LICENSE MOTORCYCLE ENDORSEMENT.

(II) The following individuals may enroll in a certified motorcycle operator safety training course:

(A) ~~Any~~ A resident of the state who holds a ~~current~~ valid Colorado driver's license, a minor driver's license, or ~~an~~ instruction permit authorized

by section 42-2-106, C.R.S.; or

(B) ~~Any individual who is~~ A member of the armed forces who has moved to Colorado on a permanent change-of-station basis and who holds a valid driver's license issued by another state; AND

(C) AN ADULT WHO HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND WHO IS ELIGIBLE FOR A MOTORCYCLE LICENSE IN THE SAME STATE.

(III) ~~The charge for enrollment in the certified motorcycle operator training course shall be the same regardless of whether an individual qualifies for the course pursuant to sub-subparagraph (A) or (B) of subparagraph (II) of this paragraph (a).~~

(b) ~~The director may certify any person meeting the applicable standards as an instructor training specialist to assist in establishing motorcycle operator safety training courses throughout the state, in implementing the program, and in training and monitoring instructors~~ THE OFFICE SHALL PROMULGATE RULES ESTABLISHING STANDARDS FOR MOST VENDORS TO PROVIDE TRAINING SERVICES. THE OFFICE SHALL PROMULGATE RULES ESTABLISHING A SYSTEM TO RECORD PROGRAM PERFORMANCE DATA, INCLUDING INFORMATION ON MOTORCYCLE ACCIDENTS, INJURIES, AND FATALITIES AMONG PERSONS WHO HAVE COMPLETED THE PROGRAM.

(c) The director shall designate a program coordinator to implement and administer the program. ~~In no event shall the office expend more than fifteen percent of the total cost of the program for administrative costs~~ THE PROGRAM COORDINATOR MAY CERTIFY INSTRUCTOR TRAINING SPECIALISTS WHO MEET THE APPLICABLE STANDARDS. THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH STANDARDS FOR RECERTIFICATION TRAINING AND MONITORING OF MOST INSTRUCTORS.

(d) The office shall adopt such rules ~~and regulations~~ as are necessary to carry out ~~the provisions of~~ the program pursuant to article 4 of title 24, C.R.S.

(e) THE OFFICE SHALL NOT EXPEND MORE THAN FIFTEEN PERCENT OF THE TOTAL COST OF THE PROGRAM FOR ADMINISTRATIVE COSTS.

~~(2) The office shall begin implementation of this part 5 on November 1, 1990, or when the moneys in the fund are sufficient to pay for the costs of implementing the program, whichever is later. However, operation of courses in the program shall commence no later than July 1, 1991.~~

SECTION 3. In Colorado Revised Statutes, **amend** 43-5-503 as follows:

43-5-503. MOST instructor requirements and training. (1) The office shall establish standards for an approved MOST instructor training course. ~~Successful completion of~~ TO SUCCESSFULLY COMPLETE the course, ~~shall require the participant to~~ A STUDENT MUST demonstrate knowledge of course material, knowledge of safe motorcycle operating practices, and the necessary aptitude for instructing students.

(2) ~~TO BE ELIGIBLE,~~ each applicant for an instructor certificate ~~shall~~ MUST be at least twenty-one years of age and hold a valid Colorado driver's license THAT IS endorsed for motorcycles ~~which license~~ AND THAT has not been revoked or suspended within the three years ~~preceding~~ BEFORE the date ~~on which the application for certification is made~~ IS FILED.

(3) No applicant shall be certified as ~~an~~ A MOST instructor if, within the three years ~~preceding~~ BEFORE the date ~~on which the application for certification is made~~ IS FILED:

(a) The applicant was convicted for an offense ~~which~~ THAT is assigned eight or more points in the ~~point system~~ schedule, as specified in section 42-2-127 (5), C.R.S., or its equivalent in another state; or

(b) The applicant's driver's license from any other state was revoked or suspended.

(4) The office shall prescribe the form for an approved MOST instructor certificate and shall provide for verification that a certified MOST instructor is currently active in the program. ~~No instructor shall participate in the program without a current certificate~~ TO BE ELIGIBLE FOR THE PROGRAM, A MOST INSTRUCTOR MUST HAVE A CURRENT CERTIFICATE.

SECTION 4. In Colorado Revised Statutes, **amend** 43-5-504 as

follows:

43-5-504. Motorcycle operator safety training fund. (1) ~~There~~ THE MOTORCYCLE OPERATOR SAFETY TRAINING FUND is hereby created in the state treasury. ~~a motorcycle operator safety training fund which shall consist~~ THE FUND CONSISTS of moneys collected ~~pursuant to~~ UNDER sections 42-2-114 (2) (b) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-304 (4), C.R.S. The moneys in the fund ~~shall be~~ ARE available immediately, without further appropriation, for allocation by the transportation commission to the office ~~of transportation safety~~ to be used for the implementation and administration of the program. Moneys credited to the fund ~~shall~~ remain therein at the end of each fiscal year and ~~shall~~ ARE not ~~be~~ transferred to any other fund.

(2) THE DIRECTOR, THE PROGRAM COORDINATOR, OR A MOST VENDOR SHALL NOT EXPEND OR CREDIT MONEYS FOR MOST VENDOR OPERATING EXPENSES OR REIMBURSE MOTORCYCLES, HELMETS, TEXTBOOKS, AND OTHER CAPITAL EXPENSES INCURRED BY MOST VENDORS, EXCLUDING THE TRAVEL COSTS OF MOBILE TRAINING.

SECTION 5. In Colorado Revised Statutes, **recreate and reenact, with amendments,** 43-5-505 as follows:

43-5-505. Advisory board. (1) THE MOTORCYCLE OPERATOR SAFETY ADVISORY BOARD IS HEREBY CREATED. THE BOARD CONSISTS OF:

- (a) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;
- (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- (c) THE CHIEF OF THE COLORADO STATE PATROL OR THE CHIEF'S DESIGNEE; AND
- (d) NINE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION:
 - (I) TWO MEMBERS WHO REPRESENT MOST VENDORS;
 - (II) ONE MEMBER WHO REPRESENTS RETAIL MOTORCYCLE DEALERS;

(III) ONE MEMBER WHO REPRESENTS THIRD-PARTY TESTERS;

(IV) ONE MEMBER WHO REPRESENTS INSTRUCTOR TRAINING SPECIALISTS;

(V) ONE MEMBER WHO REPRESENTS THE MOTORCYCLE RIDING COMMUNITY;

(VI) ONE MEMBER WHO REPRESENTS MOTORCYCLE TRAINING PROVIDERS NOT AFFILIATED WITH THE PROGRAM;

(VII) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT AGENCIES;
AND

(VIII) ONE MEMBER WHO REPRESENTS MOTORCYCLE INSURANCE PROVIDERS.

(2) THE BOARD SHALL MEET TO:

(a) RECOMMEND TRAINING METHODS TO INCREASE SAFETY AND REDUCE MOTORCYCLE CRASHES AND INJURIES;

(b) RECOMMEND TRAINING METHODS TO INCREASE PROGRAM EFFECTIVENESS;

(c) RECOMMEND IMPROVEMENTS TO THE PROGRAM AND TRAINING;
AND

(d) MAKE RECOMMENDATIONS ON EXPENDITURES OF FUND MONEYS.

(3) EACH BOARD MEMBER APPOINTED UNDER PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION SERVES A TWO-YEAR TERM; EXCEPT THAT, OF THE BOARD MEMBERS APPOINTED INITIALLY, ONE-HALF SERVE FOR A ONE-YEAR TERM AND THE REMAINING MEMBERS SERVE A TWO-YEAR TERM.

(4) THE BOARD SHALL ELECT FROM AMONG THE BOARD MEMBERS LISTED IN PARAGRAPHS (a) TO (c) OF SUBSECTION (1) OF THIS SECTION A CHAIR AND VICE-CHAIR, BOTH OF WHOM SERVE TWO-YEAR TERMS. THE CHAIR PRESIDES OVER ALL BOARD MEETINGS. THE VICE-CHAIR PRESIDES IN THE ABSENCE OF THE CHAIR.

(5) THE BOARD SHALL DEVELOP A VISION AND MISSION CONSISTENT WITH THE PROGRAM.

(6) THE BOARD SHALL MEET AT LEAST QUARTERLY.

SECTION 6. In Colorado Revised Statutes, **add** 43-5-506 and 43-5-507 as follows:

43-5-506. Report. NO LATER THAN SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE LEGISLATIVE AUDIT COMMITTEE AND THE HOUSE AND SENATE TRANSPORTATION COMMITTEES, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST COMMENT ON THE EFFECTIVENESS OF THE PROGRAM, ANNUAL MOTORCYCLE ACCIDENTS OR FATALITIES, AVAILABILITY OF TRAINING THROUGHOUT THE STATE, HISTORIC AND CURRENT TRAINING COSTS, AND OTHER PERFORMANCE MEASURES.

43-5-507. Repeal. THIS PART 5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

SECTION 7. In Colorado Revised Statutes, 24-34-104, **add** (48.5) (d) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (48.5) The following agencies, functions, or both, terminate on September 1, 2017:

(d) THE MOST PROGRAM CREATED BY PART 5 OF ARTICLE 5 OF TITLE 43, C.R.S.

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO